

Report Date: May 28, 2015

United States District Court**for the****Eastern District of Washington**FILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON**May 28, 2015**

SEAN F. McAVOY, CLERK

Petition for Warrant or Summons for Offender Under Supervision

Name of Offender: James Edward Kensler

Case Number: 2:11CR00080-RMP-1

Address of Offender: [REDACTED]

Name of Sentencing Judicial Officer: The Honorable Rosanna Malouf Peterson, Chief U. S. District Judge

Date of Original Sentence: October 4, 2011

Original Offense: Count 1: Assault on a Federal Officer, 18 U.S.C. § 111(a)(1) and (b);
 Count 2: Assault Resulting in Serious Bodily Injury, 18 U.S.C. §§ 113(a)(6) and 1153(a)

Original Sentence: Prison - 50 months
 TSR - 36 months

Type of Supervision: Supervised Release

Asst. U.S. Attorney: Rudy Verschoor

Date Supervision Commenced: January 29, 2015

Defense Attorney: Federal Public Defender

Date Supervision Expires: January 28, 2018

PETITIONING THE COURT**To issue a warrant.**

The probation officer believes that the offender has violated the following conditions of supervision:

<u>Violation Number</u>	<u>Nature of Noncompliance</u>
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Mandatory Condition # 2: The defendant shall not commit another Federal, state, or local crime.

Supporting Evidence: On May 15, 2015, Mr. Kensler was formally charged in the Tribal Court of the Confederated Tribes of the Colville Reservation (Colville Tribal Court) with two counts of battery (domestic violence) and one count of malicious mischief (domestic violence). Available records indicate the Colville Tribal Court issued a warrant for Mr. Kensler's arrest on May 15, 2015. The aforementioned warrant has yet to be served.

According to the provided incident report, on May 8, 2015, Mr. Kensler's significant other, Lisa Gabriel, contacted a Colville Tribal police officer by instant message on that officer's personal cell phone, and reported that Mr. Kensler had beat her up.

Subsequently, Colville Tribal police officers responded to an apartment complex and met with Ms. Gabriel. Upon arrival, an officer observed a bruise over Ms. Gabriel's left eye, as well as bruising on both legs, shins, and right arm. Additionally, the officer observed what appeared to be red fingermarks and a red abrasion on Ms. Gabriel's left elbow.

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Ms. Gabriel reported to the officer that on the night of May 7, 2015, Mr. Kensler was drinking and doing drugs. She stated that Mr. Kensler was upset and began yelling at her about her telephone. Mr. Kensler allegedly kicked Ms. Gabriel repeatedly in the leg and punched her in the head. She further reported that Mr. Kensler grabbed her hair and pulled her down a hallway of her residence.

Ms. Gabriel stated she was able to get away from Mr. Kensler and ran to a bathroom in the residence. Mr. Kensler then allegedly picked up Ms. Gabriel's telephone and threw it against the bathroom door.

Mr. Kensler reportedly apologized to Ms. Gabriel and she exited the bathroom. Upon her exiting the bathroom, Mr. Kensler allegedly began to punch and kick Ms. Gabriel again, and then threw a beer can at her which struck her in the head.

Ms. Gabriel stated that she and Mr. Kensler traveled to Nespelem, Washington, picked up another individual and proceeded to the home of Mr. Kensler's grandfather. While at his grandfather's home, Mr. Kensler allegedly punched Ms. Gabriel on the back of her head. Ms. Gabriel claimed the other individual who was with them, had not witnessed Mr. Kensler striking her. She was then able to run away, drive home, and contact law enforcement.

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Standard Condition# 6: The defendant shall notify the probation officer at least ten days prior to any change in residence or employment.

Mandatory Condition # 2: Mr. Kensler reported to the undersigned officer that he has resided with his mother, stepfather, and two children at [REDACTED] in Coulee Dam, since his term of supervised release commenced on January 29, 2015. According to the incident report regarding the above-noted assault, Mr. Kensler's significant other, Lisa Gabriel, advised law enforcement that they had been living together and in a relationship since approximately late February or March (2015). According to the incident report, Ms. Gabriel listed her address as being in an apartment complex in Coulee Dam, Washington. Mr. Kensler did not report that he was residing with Ms. Gabriel.

The U.S. Probation Office respectfully recommends the Court issue a warrant for the arrest of the offender to answer the allegations contained in this petition.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on: 05/28/2015

s/Erik Carlson

Erik Carlson

U.S. Probation Officer

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THE COURT ORDERS

- ☐ No Action
- ☒ The Issuance of a Warrant
- ☐ The Issuance of a Summons
- ☐ Other

A handwritten signature in black ink, reading "Rosanne Maloney Peterson", written over a horizontal line.

Signature of Judicial Officer

5/28/15

Date